

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TASHI CLAY,

Plaintiff,

v.

LYCOMING COUNTY PRISON, *et*
al.,

Defendants.

No. 4:21-CV-01415

(Chief Judge Brann)

ORDER

OCTOBER 5, 2021

AND NOW, in accordance with the accompanying Memorandum Opinion,

IT IS HEREBY ORDERED that:

1. The Plaintiff's application for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.
2. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed in forma pauperis. The full filing fee shall be paid regardless of the outcome of the litigation. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Clay's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or
 - (B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of

Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
4. The Complaint is **DEEMED** filed.
5. Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and 28 U.S.C. § 1915A.
6. Plaintiff shall within thirty (30) days from the date of this Order file an amended complaint that addresses the deficiencies identified in the Court's Memorandum Opinion. Failure to comply will be deemed abandonment of this action, and Plaintiff's action will be subject to dismissal with prejudice without further warning.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge